(Spl. - H.C.A.S. C.D., 78-e)
FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI – GOA
APPELLATE SIDE
WRIT PETITION NO.411 OF 2004

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. D. Pangam, Advocate for the petitioner.

Ms Winnie Coutinho, Advocate for respondent No.1.

CORAM : A.P. LAVANDE, J.

DATE : 3rd March, 2005.

P.C.

Ms. Coutinho, learned Advocate placed on record a copy of the order appointing the Appellate Authority. Mr. Pangam, learned Counsel appearing for the petitioner does not dispute this position.

2. In view of the constitution of the Appellate Authority, I am not inclined to entertain this petition. Mr. Pangam states that the petitioner would like to file an appeal against the impugned

Order to the Appellate Authority. In the event the petitioner chooses to file an appeal, within a period of five weeks from today, the Appellate Authority shall decide the same in accordance with law, without raising issue of limitation.

3. Mr. Pangam points out that pursuant to Order dated 20.9.2004, the petitioner has deposited an amount of Rs.15,00,000/- with respondent No.1, which is not disputed by Ms. Coutinho. The learned Counsel for the petitioner submits that the interim Order dated 20/9/2004 be continued for a further period of five weeks, so as to enable the petitioner to file an appeal before the Appellate Authority. Ms. Coutinho, the learned Counsel appearing for the respondent No.1 has no objection if the interim order is continued for a period of 5

weeks, subject to the condition that the petitioner is not permitted to withdraw the amount.

4. In view of the above, the interim Order dated 20.9.2004 granted by this Court shall continue for a period of five weeks from today. The petitioner will not be entitled to withdraw the amount already deposited with respondent No.1 till an interim order is passed by the Appellate Authority. It is made clear that the amount deposited by the petitioner will be subject to any order that may be passed by the Appellate Authority. Writ Petition stands dismissed subject to the observations made above.

A.P. LAVANDE, J.

ssm.